

**JOINT RESOLUTION AMENDING RULES OF EVIDENCE -
VICTIM SELECTION
2018 GENERAL SESSION
STATE OF UTAH**

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This joint resolution amends the Utah Rules of Evidence by enacting a rule that prohibits the admissibility of evidence regarding the defendant's selection of the victim, except as specified.

Highlighted Provisions:

This resolution:

▶ provides that a criminal defendant's expressions or associations are not admissible as evidence of the defendant's selection of the victim for purposes of a victim selection penalty enhancement, except when the evidence:

- specifically relates to the crime charged; or
- is introduced for impeachment.

Special Clauses:

This resolution provides a special effective date.

Utah Rules of Civil Procedure Affected:

ENACTS:

Rule 417, Utah Rules of Evidence

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:



28 As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend
29 rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of
30 all members of both houses of the Legislature:

31 Section 1. **Rule 417**, Utah Rules of Evidence is enacted to read:

32 **Rule 417. Admissibility of Evidence of the Actor's Expression or Association in**
33 **Victim Selection Criminal Penalty Enhancements.**

34 Evidence of a criminal defendant's expressions or associations is not admissible to
35 establish a penalty enhancement for the defendant's selection of the victim unless the evidence
36 is otherwise admissible under these rules, and:

37 (a) specifically relates to the defendant's selection of the victim of the crime charged; or

38 (b) is introduced for impeachment.

39 Section 2. **Effective date.**

40 This resolution takes effect upon approval by a constitutional two-thirds vote of all
41 members elected to each house.

Legislative Review Note
Office of Legislative Research and General Counsel